

ADVISORY OPINION 93-015

Any advisory opinion rendered by the registry under subsection (1) or (2) of this section may be relied upon only by the person or committee involved in the specific transaction or activity with respect to which the advisory opinion is required. KRS 121. 135(4).

August 9, 1993

Chairman Robert Gable
The Republican Party of Kentucky
Capitol Avenue at Third Street
P.O. Box 1068
Frankfort, Kentucky 40602

Dear Chairman Gable:

Thank you for contacting the Registry. Because you list no one else to be bound by this advisory opinion, I am writing this advisory opinion as applied to you, Robert E. Gable. The facts of your question may be stated as follows:

You are interested in the rules that apply to fundraisers under the Kentucky law and the interpretation the Registry applies to the laws concerning fundraisers.

Your question is four part and may be stated as follows:

1. An individual solicits contributions over the telephone with the request that those who choose to contribute will send the contribution to the individual candidate's treasurer. The individual making the request will give the name and address of the treasurer. Does this activity require that the person soliciting contributions register as a fundraiser?
2. An individual solicits campaign contributions and gives the prospective contributor a post-paid envelope which is addressed to the candidate's treasurer or another individual who has agreed to be a recipient of funds for the candidate. Does this activity require the solicitor to register as a fundraiser?
3. An individual sends written invitations to people for a political fundraising event and encloses a response card and an envelope addressed to another individual who has agreed to receive the responses and the accompanying contributions. Does this activity require that the person sending the written invitations register as a fundraiser?
4. An individual sends written invitations to a political fundraising event, and another person receives contributions or admission fees from invited guests at the door of the fundraising event. Does this activity require that either individual register as a fundraiser?

Your letter correctly notes and emphasizes the definition of fundraiser in KRS 121.015(11). KRS 121.015(11) defines a fundraiser as one who "directly solicits and secures contributions on behalf of a candidate..." By its plain language, this statute requires that a fundraiser both solicit and directly receive the contribution that he or she has solicited. Therefore, the Registry would consider neither

solicitors nor receivers in your four part question as fundraisers under KRS 121.015 and other relevant statutes.

This opinion is based upon the course of action outlined in your letter. If you should have any more questions, please contact us. Thank you.

Sincerely,

Timothy E. Shull
General Counsel

TES/dt